

INSPECTOR GENERAL

Policies and Responsibilities

1. Purpose: To establish policy relating to the Office of Inspector General (OIG), Defense Intelligence Agency (DIA) in the performance of its official duties and to define the responsibilities of OIG, DIA management, and DIA employees in OIG activities.

2. References:

- a. Public Law 95-452, Inspector General Act of 1978, as amended.
- b. Executive Order 12333, "U.S. Intelligence Activities," 4 December 1981.
- c. Executive Order 12356, "National Security Information," 6 April 1982.
- d. DoD Directive 3305.5, "General Defense Intelligence Program (GDIP) Management," 9 May 1986.
- e. DoD Directive 5105.21, "Defense Intelligence Agency," 19 May 1977.
- f. DoD Directive C-5105.32, "Defense Attaché System," 23 March 1973.
- g. DoD Directive 5106.1, "Inspector General of the Department of Defense," 14 March 1983.
- h. DoD Instruction 5106.3, "Inspector General, Department of Defense, Inspection Program," 26 July 1989.
- i. DoD Regulation 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect U.S. Persons," December 1982.
- j. DoD Instruction 5505.2, "Criminal Investigations of Fraud Offenses," 16 July 1990.
- k. DoD Directive 7050.1, "Defense Hotline Program," 20 March 1987.
- l. DoD Directive 7600.2, "Audit Policies," 2 February 1991.
- m. DoD Manual 7600.7-M, "Internal Audit Manual," June 1990.
- n. DIAM 40-1, "Investigations, Audits and Inspections, Inspector General Activities."
- o. DIAR 50-36, "Security, Reporting of Counterintelligence and Criminal Violations."
- 3. Applicability:** This regulation applies to all DIA Elements, the Defense Attaché System, and to all military and civilian personnel and organizations assigned or attached to the DIA.
- 4. Supersession:** This regulation supersedes DIAR

40-2, Inspector General, Coordination of Remedies for Fraud and Corruption Related to Procurement Activities," 29 December 1989, and DIAR 40-4, "Inspector General, Access to Records and Information by the Inspector General, Department of Defense," 21 September 1987.

5. Mission: The OIG is established by the Director as an independent office within the DIA for internal audit, inspection, and investigation. While not a statutory Inspector General (IG) as established under the provisions of reference a., the duties and responsibilities of the OIG complement in nature and scope the Department of Defense (DoD) OIG, which is established under that law. Subject to the direction, control and authority of the Director, the OIG shall:

- a. Initiate, conduct, supervise, and monitor audits, inspections, and investigations relating to programs, operations and policies of the DIA.
- b. Recommend policies for activities designed to promote economy, efficiency, and effectiveness in the administration of and to prevent and detect fraud and abuse, such programs and operations.
- c. Provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.

6. Organization and Management:

- a. The IG, a civilian senior executive appointed by the Director, shall serve as head of the OIG.
- b. The IG shall nominate for the Director's approval a Deputy Inspector General who shall serve as IG in the absence of the IG.
- c. There shall be such suborganizations of the OIG as established by the IG and approved by the Director. Each suborganization will be headed by an Assistant Inspector General appointed in accordance with DIA personnel regulations.
- d. The OIG shall be provided personnel, fiscal, logistical, and administrative resources in accordance with applicable DIA regulations. OIG personnel will be subject to applicable DIA personnel reg-

ulations regarding hiring, assignment, promotion, grade and other personnel matters.

e. The IG shall promote inspection, audit and investigative career development and training programs to improve the effectiveness of the OIG organization.

7. Responsibilities and Functions:

a. The IG shall, subject to the direction, control and authority of the Director:

(1) Be the principal adviser to the Director on all audit, investigative, and inspection matters covered under reference a. and for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of DIA.

(2) Initiate, conduct, and supervise such audits, investigations, and inspections in DIA, including all field activities.

(3) Provide policy direction for audits, inspections, and investigations relating to fraud, waste, abuse and program effectiveness.

(4) Evaluate and review the work of all DIA activities relating to self inspection, internal review, contract review, intelligence oversight and security oversight.

(5) Investigate fraud, waste, and abuse uncovered as a result of OIG activities, internal reviews, contract reviews, security oversight and intelligence oversight, as the IG considers appropriate.

(6) Monitor and evaluate program performance, and provide guidance, in coordination with DIA Security, with respect to all DIA activities relating to criminal or administrative investigative programs.

(7) Ensure that all DIA auditors adhere to Government auditing standards as defined in reference l. and as implemented by reference m.

(8) Evaluate program performance, and monitor actions taken by all DIA components in response to contract audits, DIA OIG audits and inspections, internal reviews, audits and inspections conducted by the DoD OIG, and audits conducted by the Comptroller General of the United States.

(9) Monitor and give particular regard to the activities of the DoD OIG and GAO with a view toward avoiding duplication and ensuring effective coverage, coordination, and cooperation.

(10) In coordination with the DIA General Counsel (GC), review existing and proposed legislation and regulations relating to DIA programs and operations and make recommendations thereon to the Director concerning their impact on economy and efficiency or on the prevention and detection of

fraud and abuse in DIA programs and operations.

(11) Recommend policies for other activities carried out or funded by DIA for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations.

(12) Recommend policies for and conduct, supervise, or coordinate relationships between DIA and other DoD entities, Federal agencies, State and local government agencies, and nongovernmental entities with respect to (a) all matters relating to or the prevention and detection of fraud and abuse in, programs and operations administered or financed by DIA; or (b) the identification and prosecution of participants in such fraud or abuse.

(13) Keep the Director fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administrated or financed by DIA. Recommend corrective action concerning such problems, abuses, and deficiencies, and report on the progress made in implementing such corrective action.

(14) Receive and investigate, consistent with Section 7 of reference a. and reference k. and in coordination with the Defense Criminal Investigative Service (DCIS), of the DoD OIG, complaints or information concerning the possible existence of any activity constituting a violation of law, rules, or regulations, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety involving DIA.

(15) Maintain close liaison with intelligence community and nonintelligence community IGs and associated law-enforcement entities within and outside the DoD.

(16) Represent the Director on all OIG activities requiring coordination and/or collaboration with outside IGs, i.e., DoD, Central Intelligence Agency (CIA), National Security Agency (NSA), Department of State, Military Services, etc. Ensure, through official and personal interaction with these senior officials, that DIA positions and requirements are properly articulated and known and that the Agency's best interests are served.

(17) Conduct Congressional liaison and support Congressional requests in accordance with applicable DIA regulations in coordination with the Office of the Chief of Staff, Legislative Affairs Division (COS-3).

(18) Interact with the Agency's Senior Leader-

ship to ensure that their plans, programs, and policies are fully understood by the IG and their specific concerns falling within the responsibilities of the IG are addressed.

(19) Organize, direct and manage the OIG and all resources assigned thereto.

(20) Perform other duties as assigned by the Director or which are necessary, but not explicitly stated, to accomplish the OIG mission.

8. Relationships:

a. The IG shall carry out the above responsibilities and functions under the general supervision of the Director, DIA, and shall not be prevented or prohibited from initiating, carrying out, or completing any audit, inspection, or investigation, or from requesting any subpoena, as provided for in reference l., during the course of any audit, inspection, or investigation; except that the IG shall be subject to the authority, direction, and control of the Director with respect to audits, inspections, and investigations, or the issuances of subpoenas that require access to information concerning:

- (1) Sensitive operational plans.
- (2) Intelligence matters.
- (3) Counterintelligence matters.

(4) Ongoing criminal investigations by other administrative units of DIA or DoD related to national security.

(5) Other matters the disclosure of which would constitute a serious threat to national security.

b. In accordance with the procedures established in reference l., if the Director exercises the authority to restrict OIG access under Subsection 8.a., above, the Director shall advise the DoD OIG of the denial within 15 working days.

c. In the performance of assigned responsibilities and functions, the IG shall:

(1) Coordinate actions, as he or she deems appropriate, with other DIA components.

(2) As provided in references i and o, coordinate, as appropriate, with the Under Secretary of Defense for Policy and the Assistant to the Secretary of Defense (Intelligence Oversight) on matters relating to their respective areas of responsibility.

(3) As required by reference j., report expeditiously to the Attorney General, through the DoD OIG, whenever the IG has reasonable grounds to believe there has been a violation of federal criminal law.

(4) Report expeditiously, through the DoD OIG, to the Military Department concerned any alleged

violations of the Uniform Code of Military Justice.

(5) Identify in the DIA Manual system, DIAM 40-1, the policies, procedures and standards related to the operation of the OIG.

9. Authority: In addition to the authorities to be exercised in parallel and support of the DoD OIG authorities under reference a., and authorities delegated in reference e. and reference i., which delineate IG responsibilities and demonstrate an inherent requirement for an internal oversight organization within the DIA, the IG is delegated authority to:

Obtain expeditious and unrestricted access to all information, personnel, facilities, records, reports, investigations, audits, reviews, documents, papers, recommendations, or other material available to any DIA component.

(1) Except as specifically denied in writing by the Director pursuant to the authority contained in Section 8 of reference a., in reference l., and Subsection 8.a., above, no officer, employee, or Servicemember of any DIA component may deny the IG, or officials assigned by the IG, access to information, or prevent them from conducting an audit, inspection, or investigation.

(2) DIA employees shall cooperate fully with any audit, inspection or investigation being conducted by the OIG; shall not withhold information or documentary materials from the assigned auditor, inspector or investigator; shall furnish sworn or affirmed oral or subscribed statements upon request, subject to Subsection 9.a.(3), below; and shall answer questions relating to his/her employment or matters coming to his/her attention in his/her official capacity or by reason of his/her employment. Disciplinary action may be taken against an employee who refuses to cooperate in any of these matters.

(3) An employee may assert his/her Fifth Amendment rights, or rights under Article 31(b) of the Uniform Code of Military Justice, to refuse to answer questions on the grounds that answers might be used against him/her in a criminal proceeding. An employee who asserts Fifth Amendment or Article 31 rights against self-incrimination may not be disciplined solely for remaining silent. However, an employee's silence may be considered, in taking disciplinary actions, for its evidentiary value, as warranted by the facts surrounding the employee's case. An employee may be disciplined for refusing to answer a question following a grant of immunity from

criminal prosecution properly obtained by the OIG from the Department of Justice.

(4) OIG officials shall possess proper access security clearances when sensitive classified data are requested.

(5) The IG may communicate directly with personnel of other DoD components on matters relating to reference a. and this regulation.

(6) The IG may request assistance as needed from other audit, inspection, and investigative units of DoD Components.

(7) The IG may request information or assistance from any Federal, State or local governmental agency, or unit thereof.

10. Effective Date: This regulation is effective immediately.

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